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PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	9301-161	Total Pages	154
First Named Inventor or Application Identifier			
Stephen H. Friend			
Express Mail Label No.	EL 501 639 442 US		

10/12/01  
09/9/98  
US PTO  
Jc828

## APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for  
Box Patent Application  
Washington, DC 20231

- ☒ Fee Transmittal Form  
*Submit an original, and a duplicate for fee processing*
- ☒ Specification [Total Pages 108]  
(Including Abstract and Table of Contents)  
*(preferred arrangement set forth below)*
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description of the Invention *(including drawings, if filed)*
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 USC 113) [Total Sheets 5]
- Oath or Declaration [Total Sheets 2]
  - ☐ Newly executed (original or copy)
  - ☒ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 17 completed)*  
[Note Box 5 below]
  - ☐ DELETION OF INVENTORS(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
- ☒ Incorporation By Reference *(useable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.


- ☐ Microfiche Computer Program *(Appendix)*
- ☐ Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - ☐ Computer Readable Copy
  - ☐ Paper Copy (identical to computer copy)
  - ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
*(when there is an assignee)*
- ☐ English Translation Document *(if applicable)*
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
- ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
- ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
- ☒ Other: Amendment Fee Transmittal

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:  
☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/303,082 filed April 30, 1999.

## 18. CORRESPONDENCE ADDRESS

Customer Number: 20583		 (Insert Customer No. or Attach bar code label here)		or <input type="checkbox"/> Correspondence address below	
NAME					
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CITY		STATE	ZIP CODE		
COUNTRY		TELEPHONE	FAX		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of: Friend et al.Application No.: To Be Assigned;  
Divisional of Application Serial No. 09/303,082  
filed April 30, 1999

Group Art Unit: To Be assigned

Filed: On Even Date Herewith

Examiner: To Be Assigned

For: **METHODS OF DETERMINING PROTEIN  
ACTIVITY LEVELS USING GENE  
EXPRESSION PROFILES**

Attorney Docket No.: 9301-161

**FEE TRANSMITTAL SHEET**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$930.

The claim amendment fee has been estimated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE	ADDIT. FEE	OR	RATE
TOTAL	25	MINUS	20	=	5	× 9	\$		× 18
INDEP.	13	MINUS	3	=	10	× 40	\$		× 84
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						135	\$		270
						TOTAL	\$	OR	TOTAL
									\$ 930.00

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.  
A copy of this sheet is enclosed.

Respectfully submitted,

Date October 12, 2001

*Adriane M. Antler* 32,605  
Adriane M. Antler (Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosure

Express Mail No.: EL 501 639 442 US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner Lundgren, J.Art Unit 1631

Assistant Commissioner for Patents  
 Box PATENT APPLICATION  
 Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/303,082 filed on April 30, 1999.

of Stephen H. Friend and Roland Stoughton

(inventor(s) currently of record in prior application)

for METHODS OF DETERMINING PROTEIN ACTIVITY LEVELS USING GENE EXPRESSION PROFILES

(title of invention)

1. ☒ The filing fee is calculated below in view of the preliminary amendment made in paragraph 2 below:

**PATENT APPLICATION FEE VALUE**


TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	9	-20	0	\$18.00 each	\$ 0.00
Independent	2	-3	0	\$84.00 each	\$ 0.00
Basic Fee					\$ 740.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 0.00
<b>Total</b>					\$ 740.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 0.00
<b>Total Filing Fee</b>					\$ 740.00

2. ☒ Cancel claims 1-52 and 60-66 without prejudice.
3. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

4. ☐ Amend the specification by inserting before the first line the following sentence: This is a division, of application no. , filed .
- 4a. ☐ New formal drawings are enclosed.
- 4b. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Rosetta Inpharmatics, Inc.
- 7a. ☒ A copy of the Power of Attorney filed in the prior application no. 09/303,082, filed April 30, 1999, is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☒ Additional enclosures or instructions: Preliminary Amendment; Information Disclosure Statement with revised Form PTO-1449 "List of References cited by Applicant" and copies of references AA-EW.

Respectfully submitted,

Date October 12, 2001

 32,605  
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